

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

CASE NO. 15-02015 BKT

JOSE D MIRANDA FIGUEROA

CHAPTER 13

DEBTOR'S OBJECTION TO CLAIM 6-2

TO THE HONORABLE COURT:

NOW COMES Debtor herein, JOSE D MIRANDA FIGUEROA, by his under-
signed attorney, and very respectfully ALLEGES AND PRAYS:

1. On October 7th, 2015, creditor Mildred Luz Ramos Cruz, filed Proof of Claim 6-2 which pretends to classify the amount of \$525,000.00 as a none dischargeable debt.
2. Debtor objects said claim, based on the fact that creditor fails to include a judgement or any admissible evidence to support such claim other than copy of the Complaint.
3. On January 25th, 2016, creditor also filed a Motion Submitting Document on docket #42 which includes copy of the police report.
4. Section 523(a)(9) 11 U.S. Code § 523(a)(9), of the Bankruptcy Code details the exceptions to discharge regarding claims for a debt arising from the unlawful operation of a vehicle while intoxicated with alcohol. It specifically states that:

"(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt—(9) for death or personal injury caused by the debtor's operation of a motor vehicle, vessel, or aircraft if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance."

5. Until this date, no adversary proceeding has been filed or other documentation that tends to justify such claim.
6. Attached hereto is copy of the actual toxicity report which clearly demonstrates that the debtor was not intoxicated with alcohol when the car accident occurred.
7. The police report included on the Motion Submitting Document on Docket #42 did not attach the actual report which evidences a mere 1.3% of alcohol when the legal limit is less than 8%.
8. For the reasons stated above, claim 6 - 2 should be disallowed or amended according to the evidence attached.

WHEREFORE, Debtor respectfully requests from this Honorable Court to take notice of the allegations stated above and that creditor's claim be disallowed or classified as an unsecured dischargeable debt and all other remedies that are just and proper be granted for the continuation of the proceeding.

NOTICE

Parties in interest are hereby granted thirty (30) days from the date of this notice to respond to the objection filed. If no opposition is filed within the prescribed period of time, the Court will enter an order granting the motion upon the filing of a certificate by the movant that adequate notice was given. Should an opposition be timely filed, the Court will schedule the motion for a hearing as contested matter. Absent good cause, untimely objections shall be denied.

I HEREBY CERTIFY on this same date I electronically filed the foregoing document with the clerk of the court using the CM/ECF System which will sent notification of such filing to the following: Chapter 13 Trustee, Alejandro Oliveras, US Trustee and to all creditors registered to said system. On this same date, I have sent copy of said document by regular mail to all parties in interest that are non CM/ECF participants as of the creditor matrix attached hereto.

In San Juan, Puerto Rico, this 3rd day of March, 2016.

By: /s/ Juan C. Bigas Valedon
JUAN C. BIGAS VALEDON
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DISTRICTO DE CAYEY INTOXILYZER - ALCOHOL ANALYZER MODEL 5000EN SN 68-013558 02/09/2013	
NUM DE QUERELLA = 00229 APELLIDOS= MIRANDA FIGUEROA, JOSE, D SUB DOB =09/20/36 = M NUM LICENCIA = 263566/PR POLICIA = AGTE RIVERA NUM DE PLACA =16041	
PRUEBA AIR BLANK SUBJECT TEST AIR BLANK	%BAC HORA .000 20:53EST .013 20:55EST .000 20:55EST
<i>Agte William Rivera Lopez 16041</i>	
NOMBRE DEL OPERADOR	
ESTADO LIBRE ASOCIADO DE PUERTO RICO POLICIA DE PUERTO RICO	
RECORD DE PRUEBA DE ANALISIS DE ALIENTO INTOXILYZER MODEL (5000) PPR-649 6-90	
OBSERVACIONES	
Num. Tarjeta 658372	
FISCAL	

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US Bankruptcy Court District of P.R.
 Jose V Toledo Fed Bldg & US Courthouse
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 San Juan, PR 00901-1964

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
 by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC
 'OB 12914
 orfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) JOSE D MIRANDA FIGUEROA

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End of Label Matrix

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